

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

ABBVIE INC., A DELAWARE CORPORATION; ALLERGAN, INC., A DELAWARE CORPORATION; DURATA THERAPEUTICS, INC., A DELAWARE CORPORATION; ABBVIE PRODUCTS LLC, A GEORGIA LIMITED LIABILITY COMPANY; PHARMACYCLICS LLC, A DELAWARE LIMITED LIABILITY COMPANY; AND ALLERGAN SALES, LLC, A DELAWARE LIMITED LIABILITY COMPANY;

Plaintiffs,

vs.

MARTY JACKLEY, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE STATE OF SOUTH DAKOTA; AND LARRY D. DEITER, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE SOUTH DAKOTA DIVISION OF INSURANCE;

Defendants.

3:25-CV-03006-RAL

ORDER GRANTING LEAVE TO FILE
AMICUS CURIAE BRIEF

The American Hospital Association, 340B Health, the South Dakota Association of Healthcare Organizations, and the American Society of Health-System Pharmacists, have collectively filed a motion for leave with this Court to file an amicus curiae brief in support of Defendants' Motion to Dismiss. Doc. 17. "[T]here is no formal rule governing the standard by which to evaluate whether to grant a motion requesting leave to file an amicus curiae brief." Pavek v. Simon, No. 19-CV-3000 (SRN/DTS), 2020 WL 1467008, at *2 (D. Minn. Mar. 26, 2020).

Rather, the decision is committed to the Court's discretion. Id. (citation omitted); see also N. Sec. Co. v. United States, 191 U.S. 555, 556 (1903) (noting that the Supreme Court has always exercised "great liberality" in allowing nonparties to file amicus curiae briefs). In determining whether to grant or refuse the motion, courts consider whether the proffered information is timely, useful, or otherwise warrants consideration. Pavek, 2020 WL 1467008, at *2 (citation omitted). Having reviewed the motion and brief, Docs. 17, 18, this Court concludes that it will grant the motion and allow the moving parties to file an amicus curiae brief in support of Defendants' Motion to Dismiss. Therefore, it is

ORDERED that the Motion for Leave, Doc. 17, is granted. It is further

ORDERED that the moving parties may file their Amici Curiae Brief, Doc. 18, in the CM/ECF record.

DATED this 7th day of July, 2025.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE